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U.S. Patent Application No. 09/606,575

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

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Applicant thanks the Examiner for his courtesy and assistance during an interview which was held on 14 March 2007. During the interview, Applicant discussed the cited references, Prezioso and Gopinathan, and explained the manner in which the invention is distinguished. Applicant proposed an amendment to Claim 1, which is deemed to be a more precise statement of the claimed invention.

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The Examiner asserted that given the proposed amendment to the Claims, he would have to perform another search and suggested Applicant file such amendment with an RCE.

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The Examiner also suggested that if, after his examination, the amendment did not overcome the rejection, that Applicant should request a pre-appeal conference.

Applicant has taken every effort to represent the Examiner's statements fairly and accurately. Applicant notes that the amendments made herein do not amount to a concession that the claims as originally submitted were not distinguished from the prior art or that the amendments herein amount to a surrender of any claim scope. Rather the amendments herein are by way of clarification only. By making these amendments, the Applicant does not in any way surrender any claimed scope or equivalence of the claim elements to which the Applicant might otherwise be entitled.

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2. **Response to Arguments**

The Examiner asserted that although Applicant argues that Prezioso's physician data and client data does not contain data on other providers that the client may have visited, the Examiner's answer is that Applicant has argued about a limitation not stated in the Claims.

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Applicant respectfully traverses. During the interview and regarding Claim 1, Applicant explained to the Examiner that such limitation was stated in the last paragraph of Claim 1.

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However, Applicant had proposed for discussion at the interview an amendment to the claim language to further clarify the invention.

- 5 Applicant suggested that, for illustration purposes, an example of the proposed claim amendment for all the independent Claims can be contemplated as follows:

a group of physicians is an example of a target entity;

a first physician is an example of a first member of said target entity;

- 10 a second physician (or provider) is an example of a second member of the target entity;

a group of clients or patients is an example of the second and different entity; and

a client or patient is an example of a member of the second and different entity.

15 3. **35 U.S.C. §103**

Claims 1 and 3-46 stand rejected under 35 USC §103(a) as being unpatentable over Prezioso (US 5,577,169) in view of Gopinathan (US 5,819,226).

- 20 Applicant respectfully traverses. Applicant incorporates herein the arguments, discussions, and definitions from previous responses.

- The Prezioso reference is only concerned with a target, such as a physician, and objects that interact with it, such as a client or patient. For example, as Applicant has
25 previously pointed out, Prezioso's physician data and client data do not contain data on other providers or physicians that the client or patient may also have visited.

- By the Examiner's own admission during the Examiner's interview on March 23, 2006, Prezioso does not disclose or fairly suggest the limitation of Claim 27, upon which the
30 amendment to the independent Claims is based.

- Applicant had amended the independent Claims to incorporate the limitation of Claim 27. It should be appreciated that the amendment was not limited to the specific implementation of Claim 27, namely, to provider members and clients, but was directed
35 to the broader language of target entity and second and different entity.

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Support for the amendment to Claims can be found at least in Claim 1 and in Claim 27.

The Gopinathan reference discloses an automated system and method for detecting fraudulent transactions, which uses a predictive model such as a neural network to evaluate individual customer accounts and identify potentially fraudulent transactions based on learned relationships among known variables. These relationships enable the system to estimate a probability of fraud for each transaction. This probability may then be provided as output to a human decision-maker involved in processing the transaction, or the issuer may be signaled when the probability exceeds a predetermined amount. The system may also output reason codes that reveal the relative contributions of various factors to a particular result. The system periodically monitors its performance, and redevelops the model when performance drops below a predetermined level. (See Summary)

However, nowhere does Gopinathan disclose or fairly suggest wherein a target profile of said target entity includes a multiple targets activity variable that measures, for a first member of said target entity, the activity of a second member of the target entity, which interacted with a member of the second and different entity, wherein the member of the second and different entity had interacted with said first member of said target entity.

In view of the amendment to the Claims and the discussion hereinabove, neither Prezioso nor Gopinathan, alone or in combination, disclose or fairly suggest all of the claim limitations.

According to MPEP 2143 Basic Requirements of a Prima Facie Case of Obviousness:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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In view of the discussion hereinabove, Applicant has demonstrated that the prior art references alone or in combination do not teach or suggest all the claim limitations, namely, wherein a target profile of said target entity includes a multiple targets activity variable that measures, for a first member of said target entity, the activity of a second member of the target entity, which interacted with a member of the second and different entity, wherein the member of the second and different entity had interacted with said first member of said target entity. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, because the references are silent on the limitations. There is not any reasonable expectation of success, because of the silence of the references on the limitations of the claimed invention. Accordingly, a prima facie case of obviousness was not established because the three basic criteria were not met.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to Claims 1-30 under 35 U.S.C. §103(a).

4. It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

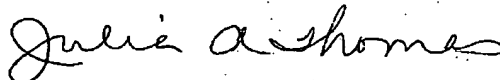
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CONCLUSION

5 Based on the foregoing, Applicant considers the present invention to be distinguished
from the art of record. Accordingly, Applicant earnestly solicits the Examiner's
withdrawal of the rejections raised in the above referenced Office Action, such that a
Notice of Allowance is forwarded to Applicant, and the present application is therefore
10 allowed to issue as a United States patent. The Examiner is invited to call to discuss
the response.

Respectfully Submitted,



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